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SUBJECT: SERBIA: CONVICTIONS IN SUVA REKA WAR CRIMES TRIAL

Summary

1. (SBU) The Belgrade District Court's War Crimes Trial Chamber on April 23 convicted four former policemen and sentenced them to a total of 68 years in prison, and acquitted three others, in the trial for war crimes against civilians in Suva Reka, Kosovo, in March 1999. The trial of seven Serbian police officers for ordering the murders of 50 Albanians civilians, including 48 members of the Berisha family, began on October 3, 2006. Over 120 witnesses testified, including surviving members of the Berisha family. The Humanitarian Law Center and the War Crimes Prosecutor's Office expressed dissatisfaction with the acquittals and announced plans to appeal. End Summary.

The Verdict

2. (U) Ten years after the murder of 50 Albanians civilians in Suva Reka, the War Crimes Trial Chamber of the Belgrade District Court reached a verdict on April 23 and convicted Chief of Suva Reka Police Radojko Repanovic and police officer Sladjan Cukaric, sentencing them each to the maximum sentence of 20 years. Police officer Miroslav Petkovic and state security officer Milorad Nisavic received sentences of 15 and 13 years, respectively. The defendants were found guilty of violating international law of armed conflict by ordering and taking part in an attack on the civilian population. Special Police Unit commander Radoslav Mitrovic was acquitted of ordering the murders, as were Suva Reka police deputy commander Nenad Jovanovic and territorial defense officer Zoran Petkovic.

The Trial

3. (U) Based on evidence mostly collected by Natasa Kandic's Humanitarian Law Center, War Crimes Prosecutor Vladimir Vukcevic assembled the case and arrested seven indicted police officers in October 2005. In April 2006, the War Crimes Prosecutor issued a formal indictment and the trial started on October 3, 2006.

4. (U) The defendants included the former commander of the 37th special police unit from Nis (PJP) Radoslav Mitrovic, Suva Reka Police Chief Radojko Repanovic, and his deputy Nenad Jovanovic, who were all accused of ordering the killings. Suva Reka Police officers Sladjan Cukaric and Miroslav Petkovic, state security official Milorad Nisavic, and territorial defense officer Zoran Petkovic were accused either as direct perpetrators or logistical supporters of the crime.

5. (U) During the two and a half year-long process, over 120 witnesses testified at the War Crimes Court, including five surviving members of the Berisha family who came from Kosovo to Belgrade under occasionally dramatic circumstances to testify. The

family members testified under the Victim/Witness Protection program supported by the Embassy's Resident Legal Advisor Office.

Suva Reka War Crimes Background

¶16. (U) During the 1999 NATO intervention, the Serbian police forces in Kosovo, composed of local police units and special police squads from Serbia, committed a number of war crimes against civilians, predominantly ethnic Albanians and other non-Serb citizens. One of the most horrible documented war crimes occurred on March 26, 1999 in the small town of Suva Reka, 35 miles south-west of Pristina. According to the Serbian War Crimes Prosecutor's indictment, on that date seven police officers from the Suva Reka police unit and the Special police unit (PJP) ordered and executed attacks on civilians at a suburb close to Suva Reka's Restan road, inhabited by the Berisha and other Albanian families.

¶17. (U) The attacks involved murders of 50 civilians, including 48 members of the Berisha family, mostly women, children, and elderly, ages from 1 to 100 years old, as well as large-scale destruction of their property, and subsequent relocation of the survivors. The victims were locked in a local pizzeria and then ruthlessly executed by hand grenades and machine guns. The corpses were initially buried in Kosovo and later, in order to conceal the crime, excavated and re-buried in a mass grave on the Batajnica base of the anti-terrorist police near Belgrade.

Reactions to the Verdict

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¶18. (U) The Humanitarian Law Center (HLC), which represented the victims during the trial, expressed dissatisfaction with the verdict. HLC head Natasa Kandic claimed that the decision reached by the War Crimes Trial Chamber, especially the acquittals, was unjust for both victims and the accused. The HLC claimed that when acquitting Radoslav Mitrovic, the highest ranking official among the accused, the presiding judge failed to take into consideration the ICTY's conviction of Mitrovic's direct superior, General Sreten Lukic (Police Chief of Staff for Kosovo), who was sentenced for murder, deportation and persecution of the Albanian population in Kosovo. The War Crimes Prosecutor's Office announced that it will appeal the acquittals.

Comment

¶19. (SBU) The trial for the Suva Reka war crimes drew a lot of attention in Serbia, underscoring to the public that war crimes are treated seriously and the domestic judiciary is capable of prosecuting complicated and sensitive cases. Most importantly, the verdict established that a crime had taken place and that the perpetrators would be punished for their actions. End Comment.

MUNTER